

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ASIYA BIBI1,

Plaintiff,

v.

KRISTI NOEM, *et al.*,<sup>1</sup>

Defendants.

Case No. 3:24-cv-06065-BHS

STIPULATED MOTION TO HOLD  
CASE IN ABEYANCE AND ORDER

Noted for Consideration:  
February 26, 2025

Plaintiff brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Form I-589, Application for Asylum and for Withholding of Removal. Plaintiff’s counsel has filed a motion to consolidate *Charyeva3 v. Mayorkas*, 2:23-cv-1977-RAJ-SKV (Dkt. No. 50), with this case. Dkt. No. 11, Notice of Opposed Motion to Consolidate. For good cause, Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Defendants substitute Secretary of the Department of Homeland Security (“DHS”) Kristi Noem for Alejandro Mayorkas; and U.S. Citizenship and Immigration Services (“USCIS”) Senior Official Performing the Duties of the Director Kika Scott for Ur Jaddou.

1 jointly stipulate and move to stay these proceedings until the motion to consolidate in *Charyeva3*  
2 is decided.

3 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706  
4 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to  
5 control the disposition of the causes on its docket with economy of time and effort for itself, for  
6 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

7 The outcome of the pending motion to consolidate in *Charyeva3* will determine how this  
8 case will proceed forward. If granted, this case will be consolidated with *Charyeva3*, the earlier  
9 filed case. If denied, the parties intend to submit a proposed schedule to this Court within 15  
10 days that sets forth deadlines for Plaintiff to amend the complaint and for cross-motion briefing.  
11 The parties agree that this proposed stay will further judicial economy and save time and expense  
12 for the parties. The parties further submit that the requested stay will not prejudice either party.

13 Accordingly, the parties respectfully request that the Court hold the case in abeyance  
14 until the motion to consolidate filed in *Charyeva3* is decided. If the motion is denied, the parties  
15 will submit a proposed briefing schedule within 15 days of an order being issued in *Charyeva3*.

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DATED this 26th day of February, 2025.

Respectfully submitted,

TEAL LUTHY MILLER  
Acting United States Attorney

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*Attorneys for Defendants*

*I certify that this memorandum contains 319  
words, in compliance with the Local Civil Rules.*

**ORDER**

The case is held in abeyance until the motion to consolidate in *Charyeva3 v. Mayorkas*, 2:23-cv-1977-RAJ-SKV (Dkt. No. 50), is decided. If the motion is denied, the parties will submit a proposed briefing schedule within 15 days of the order's issuance. It is so **ORDERED**.

DATED this 26th day of February, 2025.



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BENJAMIN H. SETTLE  
United States District Judge